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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,838	09/12/2001	D. Keith Jones	8S08.1-162	8157

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GARDNER GROFF GREENWALD & VILLANUEVA. PC
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

EXAMINER

CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
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3634

NOTIFICATION DATE	DELIVERY MODE
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06/05/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/954,838	Applicant(s) JONES, D. KEITH	
	Examiner Alvin C. Chin-Shue	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-11, 13-17 and 23-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-11, 13-17 and 23-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

The request filed on 5/20/09 for a Request for Continuing Examination (RCE) under 37 CFR 1.114 is acceptable and an RCE has been established. Any previous finality is hereby withdrawn and a new action on the merits follows. Any newly-submitted claims have been added. An action on the RCE follows.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9-11,13-17 and 23-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed does not provide support that the safety rope system consists of the elements, as set forth in claims 9, 23 and 31, as evidence note claims 11 and 15.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9,10,14-17 and 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over G.B. pat.'855 to Miller. Miller shows a standing line 1, rope coupler 6 having a Prusik hitch at 9, and a harness at 3. To eliminate elements 12 and 13 and their function would have been an obvious mechanical expediency. The examiner TAKES OFFICIAL NOTICE that Kleinheist and Kreutzklem knots and Blake's hitch are conventional sliding loop knots. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the rope coupler 6,7 of Miller with a conventional Kleinheist knot, Kreutzklem knots and Blake's hitch, as set forth in claims 26-28, by the substituted use of one known equivalent element for another.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, as applied to claim 9 above, and further in view of Bell et al. Bell shows a line with a clip 7 for forming a loop for anchoring the line. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the rope line 1 of Miller with a clip, as taught by Bell, to form a loop with his line.

Claims 13, 31 and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, as applied to claim 9 above, and further in view of Ascherin et al. Miller shows the claimed system with the exception of the smaller line coupler.

Ascherin shows a sliding rope coupler 90 having a smaller diameter than a larger supporting line 50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller for his standing line to comprise a larger diameter than his rope coupler 6, as taught by Ascherin, to enable a stronger standing supporting line.

Claims 16 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, as applied to claims 9 and 31 above, and further in view of Wagner. Miller shows the claimed system with the exception of the belt harness. Wagner shows a belt harness. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Miller with a belt harness, as taught by Wagner, to enhance support around a user's waist.

Claims 9,14-17 and 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner in view of G.B. pat. '855 to Miller. Wagner shows the claimed system with the exception of the claimed rope coupler, carabineer and multi-point harness. Miller shows the claimed rope coupler at 6 and 9, a carabineer at 8, as set forth in claim 15, and a multi-point harness at 3, as set forth in claim 17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wagner to comprise a rope coupler, carabineer and harness, as taught by Miller, in lieu of his coupler, and harness, by the substituted

use of one known equivalent element for another. The examiner TAKES OFFICIAL NOTICE that Kleimheist and Kreutzklem knots and Blake's hitch are conventional sliding loop knots. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the rope coupler 6,7 of Miller with a conventional Kleimheist knot, Kreutzklem knots and Blake's hitch, as set forth in claims 26-28, by the substituted use of one known equivalent element for another.

Claims 13 and 31-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner and Miller, as applied to claim 9 above, and further in view of Ascherin et al. Miller shows the claimed system with the exception of the smaller line coupler. Ascherin shows a sliding rope coupler 90 having a smaller diameter than a larger supporting line 50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller for his standing line to comprise a larger diameter than his rope coupler 6, as taught by Ascherin, to enable a stronger standing supporting line.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alvin C. Chin-Shue
Primary Examiner
Art Unit 3634

/Alvin C. Chin-Shue/
Primary Examiner, Art Unit 3634